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Oliver Miller, Robert Knight, and Anthony Elges*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

SCOTT KANVICK, Case No. 06-CV-00058-PMP-RAM

11 Plaintiffs,  
12 vs.

Case No. 06-CV-00058-PMP-RAM

13 CITY OF RENO, OFFICER ANTHONY  
14 ELGES, OFFICER OLIVER MILLER, AND  
15 OFFICER ROBERT KNIGHT and CITY  
CENTER LIMITED PARTNERSHIP, dba  
CITY CENTER APARTMENTS.

## Defendants.

## **MOTION TO STRIKE**

COMES NOW, Defendants CITY OF RENO, AND OFFICERS ANTHONY ELGES, OLIVER MILLER AND ROBERT KNIGHT (hereinafter CITY OF RENO), and hereby move this Court for an order striking Plaintiff's Second Reply and Opposition to Reno Defendants Motion for Summary Judgment filed in the above matter on or about September 10, 2007.

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I.**

**DISCUSSION**

On or about September 10, 2007, Plaintiff filed Second Reply and Opposition to Reno Defendants Motion for Summary Judgment.

This “second” reply in opposition to a motion for summary judgment is not provided for by any statute, rule, or applicable authority. This “motion” is nothing more than a transparent supplement of Plaintiff’s Opposition to the CITY OF RENO’S Motion for Summary Judgment.

LR 7-2 provides the rules related to filing of motions, oppositions and replies related thereto. Said Rule or any other authority does not contemplate or allow a second opportunity by an opposing party to respond to or reply to a motion which includes a motion for summary judgment as is the matter addressed herein.

As such, this “second reply” is a violation of LR 7-2. Furthermore, Plaintiff made no attempt to seek nor did he receive, leave of court to file any supplement.

## II.

# CONCLUSION

CITY OF RENO respectfully requests that Plaintiff's "Second Reply" be stricken and not be considered or allowed in direct violation of L R 7-2.

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1 As Plaintiff did not have leave of court to file an additional supplement to his opposition  
2 to the Motion for Summary Judgment, Plaintiff's "Second Reply" should be stricken.

3 DATED 21st this day of September, 2007.

4 JOHN J. KADLIC  
5 Reno City Attorney

6

7 By: /s/ Jack D. Campbell

8 JACK D. CAMPBELL

9 Deputy City Attorney

10 Nevada State #4938

11 Post Office Box 1900

12 Reno, Nevada 89505

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14 *Attorneys for Defendants City of Reno,*

15 *Oliver Miller, Robert Knight,*

16 *and Anthony Elges*

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**CERTIFICATE OF SERVICE**

Pursuant to FRCP (5)b, I certify that I am an employee of the RENO CITY ATTORNEY'S OFFICE, and that on this date, I am serving the foregoing document(s) on the party(s) set forth below by:

X \_\_\_\_\_ Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United State Mail, at Reno, Nevada, postage prepaid, following ordinary business practices.

**X** CM/ECF Federal Court Filing

#### Personal delivery.

Facsimile (FAX).

Federal Express or other overnight delivery.

## Reno/Carson Messenger Service.

addressed as follows:

Scott Kanvick #88169  
NSP PO Box 607  
Carson City NV 89702

Michael J Morrison Esq.  
1495 Ridgeview Dr. #220  
Reno, NV 89509  
*Attorney for Citi-Center Apts.*

DATED this 21st day of September, 2007.

/s/ Tamme Sutton  
TAMME SUTTON  
Legal Assistant

**CERTIFICATE OF SERVICE**

Pursuant to FRCP (5)b, I certify that I am an employee of the RENO CITY ATTORNEY'S OFFICE, and that on this date, I am serving the foregoing document(s) on the party(s) set forth below by:

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Reno/Carson Messenger Service.

addressed as follows:

[Plaintiff's Attorney Name], Esq.  
[Physical &/or Mailing Address]  
[City, State Zip Code]

*Attorney for Plaintiff*

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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[Staff Name]